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AUG 02 2004

In re Application of
Scott F. Watson, et al.
Application No. 10/646,192
Filed: August 21, 2003
For: **DIGITAL HOME MOVIE LIBRARY**

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: **DIRECTOR OFFICE**
: **TECHNOLOGY CENTER 2600**
: **DECISION ON PETITION TO**
: **MAKE SPECIAL**

This is a decision on the petition filed December 2, 2003 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:

- (1) be filed prior to receiving any examination by the examiner,
- (2) be accompanied by the required fee- \$130,
- (3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
- (4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
- (5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
- (6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petition fails to meet requirements (4) and (6) above, inasmuch as there is no description of the classes or subclasses that were searched. Furthermore, details of any text searches used absent a class/subclass search have not been provided. It is insufficient to state that a search was performed by a professional searcher. In addition, although the petition states that a discussion of the references with particular emphasis on how the claims distinguish from the references “..follows”, no discussion accompanied the petition.

For the above stated reasons, the petition is **DENIED**.

Petitioner may submit a request for reconsideration within **TWO MONTHS** of the date of this decision. Any request for reconsideration should include a complete description of the search method employed, such as classes and subclasses searched, text keyword search, etc. and a complete discussion of each reference and how the claimed subject matter distinguishes over those references.


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